

4896. Adulteration of tomatoes. U. S. * * * v. 107 Cases of Tomatoes, so-called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6893. I. S. Nos. 1515-1, 1516-1. S. No. E-397.)

On October 4, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 107 cases, each containing 2 dozen cans, of tomatoes, so-called, remaining unsold in the original unbroken packages at Syracuse, N. Y., alleging that the article had been shipped by C. L. Seward, Cambridge, Md., 87 of the cases on or about February 18, 1915, and 22 of the cases on or about May 28, 1915, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled: "Carroll Brand (Design of Tomato) Tomatoes contents 2 lbs. Carroll Brand (Design of Landscape). Packed by C. L. Seward, Cambridge, Md. C. L. S."

The allegations in the libel were to the effect that the article was adulterated in that it was decomposed and contained 10 per cent of water, and also contained other unwholesome and unfit substances, and that 10 per cent of the cans were swells.

On December 7, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*